REMARKS

Claims 1-26 are pending in the application. By this Amendment, claims 1, 4, 5, 14 and 17 are amended. Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

No new matter has been added by this Amendment.

A. The Asserted Information Disclosure Statement (IDS)

The Office Action asserts that the listing of references in the specification (pg 1, lines 1-3) is not a proper information disclosure statement, and that 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." The Office Action further asserts that therefore, unless the references have been cited by the Examiner on form PTO-892, they have not been considered.

Applicant submits that it appears that the referenced document cited in the present patent application is a provisional application to which priority is claimed. Accordingly, the Office Action's apparent assertion that such should be cited on a PTO-1449 is not understood. The Examiner is requested to clarify the objection.

B. Claim Interpretation

The Office Action asserts various aspects of claim interpretation including that an essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous; and that only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process. The Office Action asserts that the Examiner interprets the claims as a network-based 3-D imaging software package

with the capability of superimposing 3-D/2-D images (i.e., sub-files/sub-programs) onto other sub-files/sub-programs.

Applicant submits that such "interpretation" is without basis and breathes vagueness into the metes and bounds of the claims. That is, it appears that the Office Action is asserting that the claims should be interpreted in a particular manner. This is without basis in that there is no particular recitation in claim 1, for example, of a network or superimposing 3-D/2-D images. While claim 1 might relate to such features, it appears that the Examiner is effectively adding these features into claim 1, which of course is inappropriate. Clarification of such comments in the Office Action on page 3, lines 5-8 is respectfully requested.

C. The Rejections under 35 U.S.C. §112

1. The 35 U.S.C. §112, First Paragraph Rejection

The Office Action rejects claims 1-25 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, asserting that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Office Action asserts that words coupling the term "as needed" and "particular" disclosed the scope of the specification lacks detailed steps or decisions for the user to inject a specific feature for a specific event.

The Examiner is respectfully requested to clarify such assertions. Applicant respectfully queries what does the Office Action mean by "words coupling the term..." Further, Applicant respectfully queries what does the Office Action mean by "for the user to inject a specific feature for a specific event." Claim 1, for example, does not appear to recite

the term "event," nor the term "inject." Applicant submits that such rejection is without basis and should be withdrawn, or alternatively clarified.

2. The 35 U.S.C. §112, First Paragraph Rejection

The Office Action also rejects claims 1, 4, 5 and 14 asserting that the phrase "particular" renders the claims vague and indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). The Office Action further rejects claims 1-25, asserting the phrase "as needed" renders the claims vague and indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

MPEP § 2173.05(d) relates to exemplary claim language. Applicant submits that such rejection to the language of the present claims is misplaced. For purposes of clarification, the Examiner is respectfully requested to clarify what features is unclear as to: if such feature should be included or not.

While Applicant traverses the rejection under 35 U.S.C. §112, Applicant has amended the claims to eliminate the term "particular." However, Applicant submits that the language "as-needed" is and would have been fully clear to the one of ordinary skill in the art. Such language is not exemplary language as contemplated in MPEP § 2173.05(d), but rather is merely an adjective phrase modifying "computer generated model," for example, as well as other terms in the claims. Such terminology is used throughout the specification and is fully clear as akin to "according to a need."

Reconsideration and withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

D. The 35 U.S.C. §102 Rejection

The Office Action asserts that claims 1-4,7-17,20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Floating Point System Inco ("Welcome to the LandForm Trial Version from Rapid Imaging Software" (1997)). The Office Action asserts that Floating Point System teaches a 3-D imaging software package called LandFormGold and LandForm C3, that permits the user to view geographical data in a three-dimensional representation. The Office Action sets out that claim 1 vis-à-vis Floating Point System, recites a method for building an as-needed computer generated model, comprising the steps of: storing a max-case model file relating to a max-case design model, wherein said max-case design model includes plurality of model sub-components (pg. 1, Introduction); extracting viewer-readable files for each of said plurality of model subcomponents (pg. 3, Running the Demo, 3rd paragraph); generating a max-case design script including retrieval information for each of said plurality of model sub-components (pg. 1, paragraph 1, last sentence and pg. 6, line 6); receiving a user selection of particular as-needed model sub-components (pg. 4, Changing the View, paragraphs 18); generating an as-needed design script including retrieval information for each of the as-needed model sub-components (pg. 1, 2nd paragraph); retrieving, in a model viewing application, the viewer-readable files for each of the as-needed model sub-components' building the as-needed model from the retrieved viewer-readable files(pg. 4, Changing the View, paragraphs 1-8); and displaying the as-needed model to the user (pg. 2, bullets 1-12).

These assertions set forth in the Office Action are traversed as being unsupportable so as to fairly reject the claims as asserted.

It is respectfully submitted that Floating Point System fails to teach or suggest the

features set forth in claim 1, for example. In particular, claim 1 recites "generating a max-case design script including retrieval information for each of said plurality of model sub-components." In the rejection, the Office Action alleges that such claimed feature is taught by Floating Point System. The Office Action refers to Floating Point System's teaching that satellite or aerial images can be superimposed on three dimensional terrain representations. Further, the Office Action refers to Floating Point System's teaching on page 6. The Office Action refers to line 6. However, it appears that the Office Action is referring to page 6, line 4 in which Floating Point System describes that the satellite image will be overlayed on the terrain in the left window.

Applicant respectfully submits that such teachings of Floating Point System cannot fairly be interpreted to teach or suggest the features of claim 1. As noted above, claim 1 recites "generating a max-case design script including retrieval information for each of said plurality of model sub-components." Accordingly, the claimed method recites generating a particular script and the interrelationship thereof to a plurality of model sub-components. The referenced teaching of Floating Point System, noted above, relating to a satellite image overlaid on terrain, for example, certainly cannot fairly teach such claimed particulars.

Withdrawal of the rejection of claim 1 is respectfully requested. Further, it is respectfully submitted that claims 13, 14 and 26 recite patentable subject matter for reasons similar to claim 1. Further, the dependent claims recite patentable subject matter for their various dependencies on the independent claims, as well as the additional subject matter such claims recite.

E. The 35 U.S.C. §103 Rejection

The Office Action rejects claims 5, 6,18 and 19 under 35 U.S.C. 103 (a) as

unpatentable by Floating Point System in view of Lombardi (U.S. Patent 5,889,951).

The Office Action asserts that Floating Point System teaches a 3-D imaging software package called LandFormGold and LandForm C3, which allow the user to view geographical data in a three-dimensional representation; but doesn't have Internet capabilities. The Office Action asserts that Lombardi teaches users the ability to lease portions of the virtual environment, to create and modify the appearance and functionality of virtual sites on least portions to assign Internet site data and services to virtual sites. The Office Action further asserts that at the time the invention was made, it would have been obvious to one of ordinary skill in the art to use Lombardi to modify Floating Point System since it would have been advantageous for a firm to implement a secure Internet/intranet network for project assigned real-time analysis and design.

Lombardi relates to a system that facilitates viewing, organizing, and optimizing Internet sites. A multi-dimensional virtual environment includes one or more respective virtual sites for each Internet site. Users are given the ability to explore the virtual environment and access Internet site data and services via respective virtual site(s). Lombardi further teaches that transfer of data related to an Internet and virtual site includes assigning a transfer priority to each virtual site based on the user's location within the virtual environment, and transferring data based on the assigned priority.

Applicant respectfully submits that even if it were obvious to combine Floating Point System with Lombardi in some manner so as to provide the Floating Point System with internet capabilities, such teaching would still fail to teach or suggest the claimed invention as set forth in the independent claims. That is, it is submitted that Lombardi fails to cure the deficiencies of the Floating Point System as noted above.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

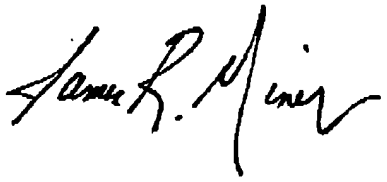
F. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS



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